

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FLUXO-CANE OVERSEAS, LTD.
Plaintiff(s)

*

*

vs.

Civil No. WDQ 08-356

*

E.D. & F. MAN SUGAR, INC.
Defendant(s)

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SCHEDULING ORDER

This scheduling order is being entered pursuant to Local Rule 103.9. Any inquiries concerning the schedule should be directed to my chambers, not to the Clerk's Office. **The schedule will not be changed except for good cause.**

This case is subject to electronic filing. Please familiarize yourself with the procedures for electronic filing available at: www.mdd.uscourts.gov. You must use the electronic filing system for filing documents with the Clerk and sending case related correspondence to chambers. **When you electronically file a document that, including attachments, is 15 pages or longer, you must also provide me a paper copy of the document and a paper copy of the notice of electronic filing.** The paper copy should be sent to the Clerk's Office, not directly to my chambers.

I. DEADLINES

*Joint request for early
settlement/ADR conference
(This request will not postpone
discovery unless otherwise ordered).*

May 12, 2008

*Initial report whether there is
unanimous consent to proceed before
a United States Magistrate Judge*

May 12, 2008

*Deadline for conference re discovery
of electronically stored information.
(If either or both parties intend to take
such discovery, before the conference
counsel should review the Suggested
Protocol for Discovery of Electronically*

May 12, 2008

*Stored Information prepared by a
Joint bench/bar committee
published on the court's website.)*

*Moving for joinder of
additional parties and
amendment of pleadings*

June 12, 2008

*Plaintiff's Rule 26(a)(2)
disclosures re experts*

June 27, 2008

*Defendant's Rule 26(a)(2)
disclosures re experts*

July 28, 2008

*Plaintiff's rebuttal Rule 26(a)(2)
disclosures re experts*

August 11, 2008

*Rule 26(e)(2) supplementation of
disclosures and responses*

August 18, 2008

*Discovery deadline:
submission of status report*

September 10, 2008

Requests for admission

September 17, 2008

*Dispositive pretrial
motions deadline*

October 10, 2008

Pretrial Conference

December 11, 2008 at 9:00 a.m.

II. DISCOVERY

Initial Disclosures

This is an action in which Fed. R. Civ. P. 26(a)(1) disclosures need not be made.

Discovery Conference

This action is exempted from the requirements of the first sentence of Fed. R. Civ. P. 26(d) and from Fed. R. Civ. P. 26(f). However, you are encouraged to confer with one another immediately in order to (a) identify the issues, (b) set a discovery plan, (c) determine if the case can be resolved before your clients incur further litigation expense, and (d) establish a cordial professional relationship among yourselves.

Procedure

All the provisions of Local Rule 104 apply, including the following:

a. All discovery requests must be served in time to assure that they are answered before the discovery deadline. An extension of the deadline will not be granted because of unanswered discovery requests.

b. The existence of a discovery dispute as to one matter does not justify delay in taking any other discovery. The filing of a motion to compel or a motion for a protective order will not result in a general extension of the discovery deadline.

c. No discovery materials, including Rule 26(a)(1) and Rule 26(a)(2) disclosures, should be filed with the court.

d. Motions to compel shall be filed in accordance with Local Rule 104.8 and the applicable CM/ECF procedures.

e. Please be familiar with the Discovery Guidelines of this Court which are Appendix A to the Local Rules. Appendix D contains guidelines for form discovery requests and confidentiality orders that may be helpful to you.

III. STATUS REPORT

The parties shall file on the day of the discovery deadline a status report covering the following matters:

- a. Whether discovery has been completed;
- b. Whether any motions are pending;
- c. Whether any party intends to file a dispositive pretrial motion;
- d. Whether the case is to be tried jury or non-jury and the anticipated length of trial;
- e. A certification that the parties have met to conduct serious settlement negotiations; and the date, time and place of the meeting and the names of all persons participating therein;
- f. Whether each party believes it would be helpful to refer this case to another judge of this court for a settlement or other ADR conference, either before or after the resolution of any dispositive pretrial motion;
- g. Whether all parties consent, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge conduct any further proceedings in this case, either before or after the resolution of any dispositive pretrial motion, including trial (jury or non-jury) and entry of final judgment.
- h. Any other matter which you believe should be brought to the court's attention.

IV. DISPOSITIVE PRETRIAL MOTIONS

If more than one party intends to file a summary judgment motion, the provisions of Local Rule 105.2.c apply.

After motions and responses thereto have been filed, I will advise you if a hearing is to be scheduled.

The filing of dispositive motions will not result in an extension of the pretrial conference date or trial date. If motions cannot be resolved prior to trial, the case will go to trial with pending motions.

V. PRETRIAL CONFERENCE

A pretrial conference has been set for **December 11, 2008 at 9:00 a.m.** in Chambers. The pretrial order shall be submitted five days before the pretrial conference is held. Counsel will be held to strict compliance with Local Rule 106, as to submission and contents of the pretrial order. Requested voir dire and requested jury instructions are due from all parties at the pretrial conference. **The Court would appreciate receiving the requested voir dire and jury instructions on diskette or CD, where available.** A trial date will be set at the pretrial conference. I will also ask you whether a settlement conference or other ADR conference with a judicial officer would be useful, and whether all parties would consent to trial (jury or non-jury) before a U.S. Magistrate Judge. **Please confer with your client about these matters before the conference so that you are in a position to respond.**

VI. ATTORNEYS' FEES

In any case where attorneys' fees may be sought by the prevailing party, counsel must be familiar with the provisions of Local Rule 109.2 and the Rules and Guidelines for Determining Lodestar Attorneys' Fees in Civil Rights and Discrimination Cases which are Appendix B to the Local Rules.

VII. COMPLIANCE WITH LOCAL RULES AND CM/ECF PROCEDURES

The court will demand compliance with the Local Rules and CM/ECF procedures. If you need to obtain a copy of the Local Rules or the CM/ECF procedures, they are available on our website at www.mdd.uscourts.gov.

Date: April 28, 2008

_____/s/
William D. Quarles, Jr.
United States District Judge